

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

IN ADMIRALTY
Case Number: 22-61542

IN THE MATTER OF CARIBSHIP LLC,
AS OWNER AND SEACOR ISLAND LINES
LLC AS OPERATOR/OWNER PRO HAC VICE OF THE
M/V CARIBBEAN EXPRESS I PETITIONING
FOR EXONERATION FROM OR LIMITATION
OF LIABILITY

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**MOTION FOR ISSUANCE OF LIMITATION INJUNCTION, NOTICE, MONITION
AND ORDER APPROVING SECURITY**

COME NOW Petitioners CARIBSHIP LLC, as owners, and SEACOR ISLAND LINES LLC, as manager/operator, (collectively, "Petitioners"), in a cause of exoneration from or limitation of liability, civil and maritime, and pursuant to the provisions of Rule F of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions ("Supplemental Admiralty Rules") move this Honorable Court for entry of a Limitation Injunction, Notice, Monition and an Order approving Petitioners' Security:

1. Petitioners have submitted for Court approval, as security for the benefit of all potential claimants, a Letter of Undertaking¹ ("LOU") from Assuranceforeningen SKULD (Gjensidig) in the sum of TWO MILLION FIVE HUNDRED TWELVE THOUSAND FOUR HUNDRED NINETY-NINE AND 00/100 (\$2,512,499.00) DOLLARS, plus interest at six percent (6%) per annum from the date of said Letter of Undertaking, said sum representing the total value of the M/V CARIBBEAN EXPRESS I and her appurtenances, plus freight pending, plus the supplemental personal injury fund. (See Letter of Undertaking, attached as Exhibit 1). The

¹ Letters of Undertaking are routinely used as security in actions under 46 U.S.C. § 30501, *et seq. See, Fraile*, 2021 U.S. Dist. LEXIS 103203 (S.D. Fla. June 2, 2021).

Certificate of Valuation supporting the aforementioned valuation of the vessel is attached as Exhibit 2. Additionally, the pending freight for the voyage in question was verified as FIFTY-TWO THOUSAND FOUR HUNDRED NINETY-NINE AND 00/100 (\$52,499.00) DOLLARS.

See, DE-1-1.

2. Supplemental Rule F (1) provides, in pertinent part, that "the owner shall deposit with the court, for the benefit of the claimants, a sum equal to the amount or value of the owner's interest in the vessel and pending freight, or approved security thereof." Fed. R. Civ. P. Supp. R. F(1). "The law is well established that the valuation of the vessel is its value at the termination of the voyage." *Complaint of Caribbean Sea Transp., Ltd.*, 748 F.2d 622, 626 (11th Cir. 1984) amended, 753 F.2d 948 (11th Cir. 1985). The Certificate of Valuation provides that the value of the Vessel after the incident was TWO MILLION FOUR HUNDRED SIXTY THOUSAND AND 00/100 (\$2,460,000.00) DOLLARS. Additionally, the pending freight for the voyage in question was FIFTY-TWO THOUSAND FOUR HUNDRED NINETY-NINE AND 00/100 (\$52,499.00) DOLLARS. The LOU provides that Assuranceforeningen SKULD (Gjensidig) agrees to pay and satisfy a final judgment against Petitioners in an amount up to TWO MILLION FIVE HUNDRED TWELVE THOUSAND FOUR HUNDRED NINETY-NINE AND 00/100 (\$2,512,499.00) DOLLARS plus interests and costs.

3. In support of this Motion, Petitioners submit to the Court that they have complied with all the relevant provisions of Supplemental Rule F (1) and therefore respectfully move this Court for entry of the attached proposed Limitation Injunction, Monition and Order Approving Petitioner's Security. In accordance with Local Rule F (1) Petitioners will, after issuance of the Monition and Injunction by this Court, immediately proceed to effect publication of the Notice of

this action in accordance with Local Admiralty Rule A (7) in the Daily Business Review. A copy of the proposed Notice is attached hereto as Exhibit 3.

WHEREFORE, the Petitioners respectfully move this Court to issue the attached proposed Orders granting the Limitation Injunction, Issuing the Monition and Notice and Approving the Petitioners' Security.

Respectfully submitted the 19th day of August, 2022.

/s/ Ryon L. Little
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